

SENATE BILL 1467
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 65, Chapter 23, to enact the "Lifeline/Link-Up Services Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, Chapter 23, is amended by adding Sections 2 through 7 of this act as a new part.

SECTION 2. This act shall be known and may be cited as the "Lifeline/Link Up Services Act."

SECTION 3. As used in this act, unless the context otherwise requires:

- (1) "Authority" means the Tennessee Regulatory Authority of this state.
- (2) "Department" means the department of human services.
- (3) "Eligible customer" means a customer who is eligible to receive lifeline or link-up services.
- (4) "Eligible provider" means a provider of telecommunication services that has been designated as an eligible telecommunications carrier by the authority to receive universal service support pursuant to 47 U.S.C. § 214, as that section existed on January 1, 1999.

(5) "Lifeline" has the meaning ascribed to it in 47 C.F.R. § 54.401(a), as that section existed on January 1, 1999.

(6) "Link-up" has the meaning ascribed to it in 47 C.F.R. § 54.411(a), as that section existed on January 1, 1999.

SECTION 4.

(a) The department shall provide to each eligible provider a list of eligible customers, as determined by criteria adopted by the Tennessee Regulatory Authority of this state or the Federal Communications Commission, as appropriate, who are located within the service area of the eligible provider. The list must include:

- (1) The name and address of each eligible customer; and
- (2) If applicable, the telephone number of each eligible customer.

(b) Every six (6) months, the department shall provide to each eligible provider an updated list of the eligible customers in this state.

(c) The department may adopt such regulations as are necessary to coordinate the acquisition and provision of the information required to be provided pursuant to this section.

SECTION 5.

(a) An eligible provider, within seven (7) days after determining that a person located in its service area is an eligible customer, shall notify the eligible customer that he will receive lifeline or link-up services, or both, unless he specifically declines to receive the services. The notification must include:

- (1) Information about the lifeline and link-up services, including, without limitation, the date on which the services will begin and any options or responsibilities that the eligible customer may have related to the receipt of those services;

(2) A self-addressed, postage-paid response card which the eligible customer must return to the eligible provider to decline the services; and

(3) A statement that the eligible provider will automatically provide lifeline or link-up services, or both, to the eligible customer unless the eligible customer declines the services by timely returning to the eligible provider the response card included with the notification.

(b) To decline lifeline or link-up services, an eligible customer must return the response card included in the notification provided pursuant to subsection (a) to the eligible provider not later than ten (10) days before the date on which the services are scheduled to begin.

(c) An eligible provider shall begin billing an eligible customer for lifeline or link-up services, or both, not later than sixty (60) days after the date on which the eligible provider receives the list of eligible customers from the department which includes the eligible customer, if the eligible customer has not declined the services.

(d) An eligible provider shall continue providing lifeline services to an eligible customer for as long as he continues to receive telecommunication services from the eligible provider until the customer or the department notifies the eligible provider that the customer is no longer eligible for the program. The eligible provider shall discontinue providing lifeline services to an eligible customer if the eligible customer notifies the eligible provider in writing that he wishes to discontinue receiving those services.

SECTION 6.

(a) The reduction in the telephone rates provided by lifeline or link-up services must be based on the methods for determining reductions which are adopted by the authority by regulation. The authority may provide different methods for determining reductions to allow for differences between eligible providers.

The methods may include, without limitation:

(1) Basing the reduction on the tariff filed by the eligible provider with the authority; or

(2) Establishing a formula pursuant to which the amount of the reduction may be determined.

(b) The reduction in such telephone rates applies only to:

(1) Residential flat rate basic local exchange service;

(2) Residential local exchange access service;

(3) Residential local calling area service; and

(4) Residential service connection charges.

(c) The reduced rate for residential local exchange access service, when combined with the reduced rate for residential local calling area service, must not exceed the comparable reduced rate for residential flat rate basic local exchange service.

(d) If the amount of the reduction in rates provided by an eligible provider to an eligible customer for lifeline services is greater than the amount which the eligible provider receives as universal service support pursuant to 47 U.S.C. § 254, the eligible provider is entitled to reimbursement from the fund established by the authority for the difference between the amount of the reduction and the amount received as universal service support pursuant to 47 U.S.C. § 254.

SECTION 7.

(a) A telephone company, person providing wireless or commercial mobile radio service, public safety answering point, or manufacturer supplying equipment to a telephone company or public safety answering point, or any agent thereof, is not liable to any person who uses an enhanced 911 service for:

(1) The release of the telephone number and street address of the telephone used to place the 911 telephone call, including telephone numbers which are not published, if the release was made in good faith;

(2) The failure of any equipment or procedure in connection with the provision of an enhanced 911 service; or

(3) Any act, or the omission of any act, committed in good faith, while providing, or while in training to provide, services through a public safety answering point.

(b) As used in this section:

(1) "Enhanced 911 service" means a service consisting of telephone network features and public safety answering points provided for persons using the public telephone system to reach the appropriate public service answering point by dialing the digits 9-1-1, by using selective routing, if required, based on the location from which the call originated, and providing at the public safety answering point automatic number identification and automatic location identification.

(2) "Public safety answering point" means a facility, operated 24 hours a day, 7 days a week, that is responsible for receiving 911 telephone calls and directly dispatching emergency response services, or transferring or relaying 911 telephone calls to other public safety agencies. A public safety answering point is the first point of reception by a public safety agency of 911 telephone calls and serves the jurisdiction in which it is located and other participating jurisdictions.

SECTION 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. This act shall take effect July 1, 2001, the public welfare requiring it.